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Butte County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report

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Performance Evaluation of the Butte County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Butte County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2006-2007 (FY 2006/07). The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to *meet* DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to *meet* DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to *meet* DPR standards and work plan goals.

Summary Statement:

Butte CAC's pesticide use program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance – Effective

The Butte CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The eight biologists that issue permits all possess Pesticide Regulations and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law;
- Permit amendments follow approved procedures.

2) Site Evaluation – Effective

The Butte CAC site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC issued 1,104 agricultural permits and 39 non-agricultural permits. The permits:

- Contained the necessary information;

- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses;
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent in a timely manner and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections – Effective

Butte CAC permit inspection procedures were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. Eight biologists that possess Pesticide Regulations and Investigation and Environmental Monitoring licenses perform inspections. Inspections are performed according to the inspection strategy documented in the CAC's enforcement work plan. Inspections are performed according to DPR policies and procedures; inspections reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations. Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations;
- Include appropriate follow-up inspections and procedures.

2) Investigations – Effective

The Butte CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and notifies DPR and other agencies, as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response: – Effective

The Butte CAC enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC's enforcement program was found to:

- Initiate appropriate action when violations are identified;
- Sufficiently support compliance, enforcement, and public protection actions;

- Ensure that due process requirements are met when taking an enforcement or permit action, or when initiating a private applicator certification or registration refusal/revocation.

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities

Outreach and Training

- Butte CAC performs various outreach and training sessions throughout the year to growers and pesticide applicators. Annually, they meet with pest control businesses to reiterate proper application methods and worker health and safety requirements.
- Butte CAC is currently performing outreach to organic growers to educate them on what are pesticides, as well as pesticide laws and regulations.